

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.S.R., a/k/a T.I.R., Minor.

DANIEL GRANDBERRY and JEANINE
GRANDBERRY,

UNPUBLISHED
June 26, 2003

Petitioners-Appellants,

v

MIGNON HAWKINS,

No. 241138
Wayne Circuit Court
Family Division
LC No. 01-399611

Respondent-Appellee,

and

KIRK WYNN,

Respondent.

Before: Markey, P.J., and Cavanagh and Hoekstra, JJ.

PER CURIAM.

Petitioners appeal as of right from an order denying their petition to terminate respondent's parental rights under MCL 712A.19b(3)(f). We affirm.

Under MCL 712A.19b(3), at least one of the statutory grounds for termination must be proven by clear and convincing evidence before a trial court may terminate parental rights. *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Under this standard, the trial court's decision "must strike [the reviewing court] as more than just maybe or probably wrong." *In re Trejo, supra* at 356, quoting *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Petitioners sought to terminate respondent's parental rights under MCL 712A.19b(3)(f), which provides:

The child has a guardian under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102, and both of the following have occurred:

(i) The parent, having the ability to support or assist in supporting the minor, has failed or neglected, without good cause, to provide regular and substantial support for the minor for a period of 2 years or more before the filing of the petition or, if a support order has been entered, has failed to substantially comply with the order for a period of 2 years or more before the filing of the petition.

(ii) The parent, having the ability to visit, contact, or communicate with the minor, has regularly and substantially failed or neglected, without good cause, to do so for a period of 2 years or more before the filing of the petition.

Although the trial court found that petitioners satisfied subsection (f)(i), it found that petitioners' evidence fell short of the clear and convincing threshold with regard to subsection (f)(ii). The evidence showed that respondent maintained some contact with the minor child during the statutory two-year period. Although the contacts were minimal and mostly orchestrated by the extended family, we cannot conclude that the trial court clearly erred in determining that the evidence failed to clearly and convincingly establish a regular and substantial failure to visit, contact, or communicate by respondent. See *In re Trejo, supra*.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Joel P. Hoekstra